

EXHIBIT T

**To Declaration of Micah West in Support of
Motion for Preliminary Injunction
& Motion for Class Certification**

Alabama

Jefferson County bail reforms aimed at keeping poor out of jail

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Jefferson County has made a few changes to its bail bond system that should prevent poor defendants from having to stay weeks or even months in jail while waiting for the help of an attorney to get their bond reduced.

Officials with the American Civil Liberties Union applauded the changes on Tuesday, saying the new process will drastically change courts' treatment of defendants who can't afford bail or an attorney. The groups says this new procedure will insure for the first time in Alabama that indigent defendants will be provide legal representation at bail hearings.

"For decades, Birmingham's courts have condemned people to extra jail time just because they're poor," Brandon Buskey, staff attorney with the ACLU's Criminal Law Reform Project stated in a press release. "Defendants charged with the same exact crime can either buy their freedom immediately or sit in jail for weeks on end if (they) don't have enough money. The judges' reforms will bring a welcome end to this injustice."

Under the new system as of June 6, defendants who are unable to pay the bail amounts assigned to their offenses will receive a bail hearing within 48 to 72 hours of their arrest, in contrast to the weeks and sometimes months that defendants now spend in jail awaiting a bail hearing, according to the ACLU.

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The ACLU had been working with the Jefferson County judges, the Community Law Office (public defenders), and the Jefferson County District Attorneys Office since last August or September on a new way of protecting poor defendants from being held in jail on bonds they can't afford, Randall Marshall, legal director for ACLU of Alabama, said in an interview with AL.com on Tuesday.

The ACLU had threatened to sue over the issue.

Presiding Jefferson County Circuit Judge Joseph Boohaker signed the order to start the procedures for the 48-hour hearings on May 6.

If arrested without a warrant then defendants must have a hearing within 48 hours. If arrested on a warrant they have to be brought for an initial appearance before a judge within 72 hours.

Under the current system poor people who can't immediately make bond are held until a first court appearance within the 48 or 72 hour period, but at those hearings the judge didn't usually discuss bond and it would sometimes be weeks or months until a defendant could get an attorney to file a motion and go through a hearing process in order to get a reduced bond and be released from jail. But under the new system an attorney from the Community Law Office will be at every one of the hearings to seek bail immediately.

If there is a conflict where the Community Law Office can't represent the person, the duty judge is to be notified of such a conflict, according to Boohaker's order.

"We're extremely pleased. We've been advocating for these reforms for several years," said Jefferson County Public Defender Kira Fonteneau, who is over the Community Law Office. "We're glad that the judges have agreed to these procedures. ... This is a huge deal."

Without an initial appearance where bond was set, defendants could get lost in jail for weeks or months, Fonteneau and ACLU officials said. "These procedures lessen that risk," Fonteneau said.

Judge Boohaker in December also had issued another order that could make it easier for poor people to make bond. He issued an order that increased the bail amounts in which a person can sign a recognizance bond and be release immediately without paying any money up front.

The amount of bond for felony offenses in which defendants could sign and be released on their own recognizance, the amount was raised from \$1,500 to \$5,000; felony offenses requiring the signature of an employed person, from \$7,500 to \$10,000; traffic and misdemeanor offense from \$2,500 to \$5,000; and traffic and misdemeanor offenses requiring the signature of an employed person was raised from \$7,500 to \$10,000.

Excluded are sex and domestic violence offenses that fall in those categories.

Boohaker stated in his order that the purpose of making it easier for people to sign recognizance bonds was to assist with jail overcrowding.

Jefferson County Sheriff's Chief Deputy Randy Christian stated in an email to Al.com Tuesday afternoon that the county jail population - in both Birmingham and Bessemer - has had a daily inmate count that has remained consistent at 1000-1100 over the last 6 months.

Susan Watson, executive director of the ACLU of Alabama, said that their hope with the Jefferson County reforms is that poor people won't be "languishing" in jails while losing their jobs, homes, and families.

"It's certainly a large improvement and we're very appreciative to judges have worked with us," Watson said.

Watson urged other Alabama courts to make similar changes to their bail systems "so that they're no longer rigged against the poor."

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